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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,932	12/12/2003	Chi Fai Ho	IPLN.P0001C	2247

7590 08/30/2010
Peter Tong
1807 Limetree Lane
Mountain View, CA 94040

EXAMINER

LEIVA, FRANK M

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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08/30/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/734,932	Applicant(s) HO ET AL.	
	Examiner FRANK M. LEIVA	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47-51, 53, 54, 56-58, 60, 62-64, 66 and 68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 47-51, 53, 54, 56-58, 60, 62-64, 66 and 68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/03/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 April 2010 has been entered.

Acknowledgements

2. The examiner acknowledges amendments to independent claims 47, 57, 63 in applicant's submission filed 10 May 2010 superseding previous amendment, and amendment to drawings filed 19 August 2010 will be entered, amendment to drawings filed 27 April 2010 will not be entered due to new matter.

Response to Arguments

3. This response will answer to argument filed on 27 April 2010 as incorporated in applicant's remarks file 10 May 2010.

4. Applicant's arguments with respect to claim 27 April 2010 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's remarks regarding the 35 USC §112 1st paragraph rejection of claims 47, 57 and 63 as failing to comply with the written description requirement, Are not persuasive, amended paragraph [0017.07] has been objected for adding new matter into the description and is not part of the original disclosure.

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6. Support to any new matter rejections must be found in the original description as filed; amendments to the specifications following original presentation cannot support claims adding new matter.

Drawings

7. The drawings were received on 27 April 2010 and 10 May 2010. The drawings received 27 April 2010 are objected for new matter below; the drawings received 10 May 2010 are accepted.

Specification

8. The amendment filed 17 February 2009 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The entire amendment recites new embodiments not supported by the specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

9. The amendment filed 27 April 2010 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The entire amendment recites new embodiments not supported by the specification. Also the drawing filed 27 April 2010 is objected for adding new matter not previously supported, such as computer architecture not described in the specifications as originally filed.

Applicant is required to cancel the new matter in the reply to this Office Action including drawings.

Claim Rejections - 35 USC § 112 1st Paragraph

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claims 47, 57 and 63 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 47, 57 and 63; state “resolving the conflict by generating another rule”, which is not supported by the specification and considered new matter.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 47-51, 53-54, 56-58, 60, 62-64, 66, 68 are rejected under 35 U.S.C. 102(e) as being anticipated by Siefert (US 5,904,485).

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14. Regarding claims 47, 57 and 63; Siefert discloses a computer-implemented method and readable memory for helping a user learn, (abstract) the method comprising:

(a) allowing the user to access materials related to a subject to be presented via a presentation device, to help the user learn, (col. 2:28-33);

(b) retrieving, from a storage device, at least two rules to help determine which additional materials to present to the user, (12:59-13:17), the existence of the rules to be followed, implies inherency for the retrieval and use of them;

(c.) determining, based on at least two rules the additional materials to present to the user, after the materials accessed by the user at (a) have been presented to the user, (15:52-16:20);

selecting least some of the materials accessed by the user at (a) for presentation to the user for a further time so that the user's memory on the materials can be refreshed, (Table 4.2, and col. 17:24-30), "Scheduling occasions for spaced reviews".

wherein (c.) includes determining, by a computing device, whether the at least two rules have a conflict in view of an assessment of the user, and, if there is a conflict, resolving the conflict by generating another rule to help determine the additional materials to present to the user, the computing device being coupled to the storage device, and wherein the at least two rules have a conflict in view of an assessment when a consequence of at least two rules differs from the assessment, (col. 7:28-8:62), the CLS includes many rules some of which hierarchical in terms of sequence of lessons, but may be overridden by other rules according to the students profile (standing) or nature of the lessons, the system is self adjusted to the specific student.

15. Regarding claim 48; Siefert discloses wherein at (d) the selecting of at least some of the materials accessed by the user at (a) for presentation to the user for the further time occurs after the additional materials determined at (c.) have been presented to the user, (col. 17:24-31), where spaced reviews are constantly being assigned.

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16. Regarding claim 49; Siefert discloses wherein the method further comprises having at least some of the accessed materials transmitted via a network to the presentation device to be presented to the user, and wherein the network includes a private network and a public network, (col. 2:28-37).

17. Regarding claims 50, 58 and 64; Siefert further discloses wherein the at least some of the materials accessed by the user at (a) are selected at (d) for presentation to the user for the further time depending on a time elapsed from when the user accesses the materials at (a), (table 4.2 and col. 17:24-31), scheduled spaced reviews, meaning timed reviews from last studied.

18. Regarding claim 51; Siefert discloses wherein the at least some of the materials accessed by the user at (a) can be repeatedly selected for presentation to the user, (col. 14:59-67), but if the time elapsed is more than a predetermined duration of time, the at least some of the materials accessed by the user at (a) are no longer selected, (col. 9:61-67), system will no longer repeat subject after all available tries have been presented, will be force to select subject expert.

19. Regarding claim 53; Siefert discloses wherein the at least some of the materials accessed by the user at (a) can be repeatedly selected for presentation to the user, (col. 14:59-67).

20. Regarding claims 54, 60 and 68; Siefert discloses wherein the additional materials determined to be presented to the user at (c.), also relate to the subject, (col. 8:20-32), where the lessons being of the same subject (calculus).

21. Regarding claims 56, 62 and 66; Siefert discloses wherein resolving the conflict between the at least two rules involves favoring one of the at least two rules over another one of the at least two rules, (col. 7:28-8:62), the CLS includes many rules some of which hierarchical in terms of sequence of lessons, but may be overridden by

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other rules according to the students profile (standing) or nature of the lessons, the system is self adjusted to the specific student.

Examiner's Note

22. The referenced citations made in the rejection(s) above are intended to exemplify areas in the prior art document(s) in which the examiner believed are the most relevant to the claimed subject matter. However, it is incumbent upon the applicant to analyze the prior art document(s) in its/their entirety since other areas of the document(s) may be relied upon at a later time to substantiate examiner's rationale of record. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). However, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed "In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK M. LEIVA whose telephone number is (571)272-2460. The examiner can normally be reached on 11:00AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter D. Vo can be reached on 5712724690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. M. L. /

Examiner, Art Unit 3714

/David L Lewis/

Supervisory Patent Examiner, Art Unit 3714